

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Robert Midgette and Joan Midgette,

Plaintiffs,

v.

ORDER

Civil Case No. 08-6501 ADM/JJG

Novartis Pharmaceuticals Corporation,

Defendant.

Yvonne M. Flaherty, Esq., Lockridge Grindal Nauen PLLP, Minneapolis, MN, on behalf of Plaintiffs.

James A. O'Neal, Esq., Faegre Baker Daniels LLP, Minneapolis, MN, on behalf of Defendant.

This matter is before the undersigned United States District Court Judge to address the potential transfer of this action. On April 2, 2014, the Court directed the parties to submit briefing to address whether this matter should be transferred under 28 U.S.C. § 1404(a), and if so, to which district. In their briefs, Plaintiffs and Defendant agreed this action should be transferred to the United States District Court for the Eastern District of New York.

The parties' agreement, and the underlying allegations in this case, warrant a transfer under § 1404(a). None of the parties in this action are or were domiciled in Minnesota, nor is there any other logical connection to this district. Conversely, Plaintiffs Robert and Joan Midgette reside in the Eastern District of New York, the key events underlying this action occurred in New York and New Jersey, and the majority of witnesses in this action reside in New York. As a result, a transfer to the Eastern District of New York will be more convenient for the parties and the witnesses. A transfer is also in the interest of justice, as New York has a strong public interest in the resolution of this suit. See 28 U.S.C. § 1404(a).

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS**
HEREBY ORDERED that:

1. This action is **TRANSFERRED** to the United States District Court for the Eastern District of New York.
2. The Clerk of Court is directed to effect the transfer.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: April 23, 2014.